

BEFORE THE

RECEIVED

JUL 26 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

## COMMENTS AND COUNTERPROPOSAL OF KEY CHAIN, INC.

Key Chain supports the NPRM's proposed channel changes except to the extent that Key Chain desires an upgrade on the proposed Channel 288 to Class C2 operation. The increased facilities will permit Key Chain to provide an enhanced level of

No. of Copies rec'd  
List A B C D E

0+4

service to the widely-dispersed chain of islands making up the Florida Keys.

This counterproposal seeking Channel 288C2 is mutually exclusive with the specific WAVK channel assignment, Channel 288A, proposed in the NPRM. Nonetheless, the desired upgrade to Class C2 operation on the channel already proposed in the NPRM can be made without affecting or preventing the other changes proposed therein. Thus, adoption of this counterproposal as part of the other changes proposed in the NPRM will provide yet an additional benefit in this proceeding.

As the statement of Mr. Neil Smith, Key Chain's technical consultant, demonstrates, the FCC can allot Channel 288C2 to Marathon at WAVK's licensed site in full compliance with all Commission spacing requirements and without any other changes to the Table of Allotments, save the other changes proposed in the NPRM. Inasmuch as WAVK provides principal city coverage of the entirety of Marathon as a Class A station operating from its presently licensed site, the Class C2 facilities requested herein, operating from the same site, will continue to provide such coverage.

If the Commission allots Channel 288C2 to Marathon and modifies the license of WAVK accordingly, Key Chain intends to promptly file an FCC Form 301 application for construction permit and, if same is granted, to promptly construct the upgraded facilities and seek a covering license for the proposed facilities within the time allotted.

Accordingly, Key Chain respectfully requests that the

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of KEY CHAIN, INC. ("Key Chain"), licensee of WAVK(FM), Channel 292A, Marathon, Florida, in support of its Comments and Alternative Counterproposal in MM Docket No. 93-136.

This proceeding has resulted from a Petition for Rulemaking by Spanish Broadcasting System of Florida, Inc., licensee of WZMQ(FM), Channel 280C2, Key Largo, Florida, in which it was proposed that WZMQ change from Channel 280C2 to Channel 292C2. In order to accomplish this, it was proposed that WAVK change from Channel 292A to Channel 288A, and that WKKB(FM), Key Colony Beach, change from Channel 288C2 to Channel 280C2.

Key Chain requests, as a counterproposal, that Channel 288C2 instead of Channel 288A be allotted to Marathon for the use of WAVK. Attached is an allocation study which demonstrates that Channel 288C2 can be used at the present site of WAVK in full compliance with the Commission's spacing Rules.

I declare under penalty of perjury that the foregoing statements and the attached exhibit are true and correct to the best of my knowledge and belief.



NEIL M. SMITH

July 26, 1993

SMITH AND POWSTENKO

ALLOCATION STUDY  
PROPOSED WAVK(FM)  
CHANNEL 288C2 - MARATHON, FLORIDA

Call	City &	State	Stat	File - number	Chan	ERP	HAAT	In	Latitude	Longitude	Bear	Dist	Req'd	Clear	Notes
--- kilometers ---															
WZTA	MIAMI BEACH	FL	APPM	BMPH 870709IB	235C	100	1007	2	25 57 59.0	80 12 33.0	30.9	160.31	35.0	125.31	Comment
WHQT	CORAL GABLES	FL	LIC	BLH 870611KE	286C	100	1006	2	25 57 59.0	80 12 33.0	30.9	160.31	105.0	55.31	
NEW	JUPITER	FL	APPM	BPH 8909140B	288A	6.00	305	2	26 56 22.0	80 7 4.0	20.3	261.57	166.0	95.57	Comment
NEW	JUPITER	FL	APPM	BPH 890914NH	288A	6.00	328	2	26 56 26.0	80 6 40.0	20.4	261.92	166.0	95.92	Comment
NEW	JUPITER	FL	APP6	BPH 890913MI	288A	6.00	315	2	26 56 22.0	80 7 4.0	20.3	261.57	166.0	95.57	Comment
NEW	JUPITER	FL	APPD	BPH 890914MZ	288A	6.00	328	2	26 56 22.0	80 7 4.0	20.3	261.57	166.0	95.57	Comment
NEW	JUPITER	FL	APPD	BPH 890914DE	288A	6.00	266	2	26 56 22.0	80 7 4.0	20.3	261.57	166.0	95.57	Comment
NEW	JUPITER	FL	APPD	BPH 890914MS	288A	6.00	328	2	26 58 6.0	80 11 57.0	18.4	261.85	166.0	95.85	Comment
NEW	JUPITER	FL	APPD	BPH 890914NX	288A	3.00	279	2	26 56 22.0	80 7 4.0	20.3	261.57	166.0	95.57	Comment
NEW	JUPITER	FL	APPD	BPH 890913MG	288A	3.00	315	2	26 56 22.0	80 7 4.0	20.3	261.57	166.0	95.57	Comment
NEW	JUPITER	FL	APPD	BPH 890914MG	288A	3.00	328	2	26 56 56.0	80 7 25.0	20.1	262.35	166.0	96.35	Comment
NEW	JUPITER	FL	APPD	BPH 890914MV	288A	3.00	308	2	26 56 22.0	80 7 4.0	20.3	261.57	166.0	95.57	Comment
NEW	JUPITER	FL	APPD	BPH 890914ML	288A	6.00	295	2	26 56 22.0	80 7 4.0	20.3	261.57	166.0	95.57	Comment
NEW	JUPITER	FL	APPD	BPH 890914MK	288A	6.00	308	2	26 56 22.0	80 7 4.0	20.3	261.57	166.0	95.57	Comment
NEW	JUPITER	FL	APP	890914NT	288A	3.00	328	2	26 56 10.0	80 4 12.0	21.3	262.95	166.0	96.95	Comment
	JUPITER	FL	ALC		288A			2	26 56 30.0	80 5 36.0	20.7	262.67	166.0	96.68	Comment
WKKB	KEY COLONY BEACH	FL	CP	BPH 920803JO	288C2	50.0	276	2	24 42 25.0	81 6 17.0	251.0	7.49	190.0	-182.51	SHORT c
WIXI	NAPLES PARK	FL	LIC	BLH 861104KB	288A	0.95	584	2	26 19 .0	81 47 13.0	337.0	191.45	166.0	25.45	Comment
WIXI	NAPLES PARK	FL	CP	BPH 921125ID	288C3	7.10	594	2	26 19 .0	81 47 13.0	337.0	191.45	177.0	14.45	CLOSE c
	PORT ST. LUCIE	FL	ADD		288A			2	27 17 37.0	80 21 2.0	13.3	292.27	166.0	126.27	
WAXY	FORT LAUDERDALE	FL	LIC	BLH 850409KC	290C	100	1020	2	25 59 34.0	80 10 27.0	31.4	164.63	105.0	59.63	Comment
WAXY	FORT LAUDERDALE	FL	CP	BPH 830511AK	290C	100	1020	2	25 59 34.0	80 10 27.0	31.4	164.63	105.0	59.63	Comment

End of Study

**CERTIFICATE OF SERVICE**


I, Renee Gray, a secretary to the law firm of Fisher, Wayland, Cooper and Leader, hereby certify that I have this Twenty-sixth day of July, 1993, mailed by first class United States mail, postage prepaid, a copy of the foregoing "**COMMENTS AND COUNTERPROPOSAL OF KEY CHAIN, INC.**" to the following:

\*Michael C. Ruger, Esq.  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street Northwest, Room 8322  
Washington, D.C. 20554

\*Ms. Nancy J. Walls,  
Communications Industry Analyst  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street Northwest, Room 8322  
Washington, D.C. 20554

James M. Weitzman, Esq.  
Allan G. Moskowitz, Esq.  
Kaye, Scholer et al.  
901 Fifteenth Street Northwest,  
Suite 1100  
Washington, D.C. 20005  
Counsel to Spanish Broadcasting System  
of Florida, Inc.

William J. Silva, Esq.  
Blair, Joyce & Silva  
1825 K Street Northwest,  
Suite 510  
Washington, D.C. 20006  
Counsel to Richard L. Silva

  
\_\_\_\_\_  
Renee Gray